

**STATE OF MARYLAND  
JUDICIARY**

**Policy on Performance Evaluation**

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**I. PURPOSE**

To establish a uniform performance evaluation and review process for regular employees of the Maryland Judiciary.

**II. DEFINITION**

A. Administrative Official

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk for the District Court in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.

- B. Regular Employee – Any person holding a position funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions, nor those positions held by Judges, Masters, and Law Clerks.

**III. SCOPE**

This policy applies to all regular employees of the Maryland Judiciary, excluding Senior Management (Executive Staff) and District Court Commissioners.

**IV. POLICY STATEMENT**

The objective of the Maryland Judiciary is to pursue the continual improvement in the performance of each employee. A performance evaluation and review process is an important component of this objective and an integral part of the supervisor-employee relationship. As a part of the compensation program, the annual review is the basis for the employee's performance step increase. It is

essential, therefore, that supervisors understand the evaluation process and give it the time it requires. There are three primary objectives in the performance evaluation process:

- It is an assessment of an employee's past performance over a specific period of time;
- It assists an employee in improving job performance by providing constructive feedback; and
- It provides for the development of goals and objectives for future growth.

Employees will be rated based on prescribed performance criteria. In an effective performance evaluation, the supervisor will use first-hand knowledge of the employee's performance, as well as input from others up to and including the Administrative Official who have observed the employee's job performance. The evaluation is based on the performance of assigned duties and responsibilities and job-related conduct.

Although this policy applies only to regular employees, it does not preclude the completion of performance evaluations for other Judiciary employees. The Judiciary encourages supervisors, managers, and administrators to provide performance feedback to employees at all levels within the organization.

## **V. THE PERFORMANCE EVALUATION FORM (*on Courtnet*)**

When formally evaluating an employee's performance, the supervisor or Administrative Official shall use the Judiciary Performance Evaluation Form and appendices, which are intended to assist in the performance-assessment process by focusing on the development potential of the employee. Consistent with the developmental approach, the form has a format for the rater to indicate under various factors whether an employee's performance during the rating period Far Exceeds Standards, Exceeds Standards, Meets Standards, Needs Improvement, or is Unacceptable. (*The performance evaluation form includes detailed instructions on how to complete the form.*)

## **VI. THE EVALUATION PROCESS**

- A. A performance evaluation is to be completed for each calendar year in which the employee works and is to be completed as near to the end of the calendar year as is practical.\* It is encouraged that employees be given the opportunity to provide their perceptions of their performance by completing and submitting a self-evaluation of the employee's performance to their supervisor, using the Judiciary Performance Evaluation form. The supervisor may consider this information when

preparing the official annual evaluation.

***\*Although not required, it is encouraged that supervisors also complete an evaluation on each employee at the mid-point of the rating period. This will be an informal evaluation to apprise the employee of his or her performance to date. This will alert the employee to any areas needing improvement and will provide the employee with direction and time to improve upon those areas. As this is an informal evaluation, it is not included in the employee's official personnel file and is not subject to a grievance action.***

- B. The rater will assign a rating to each performance factor category. Each category has a comments section. The form assigns a value number to each rating. The values of all rated categories are totaled, then divided by the number of categories rated to give an average score. The average score becomes the "Overall Performance Evaluation Score." The score should be a consensus of the employee's entire management team. The evaluation form, therefore, should be signed by each member of the management team.
- C. The supervisor will meet with the employee and review the completed evaluation form. The supervisor should consider any comments from the employee regarding the individual or overall scores and, with the approval of the Administrative Official, should feel free to make changes to the scores and comments if appropriate. An employee has no appeal of an annual performance evaluation if the employee received an Overall Performance Evaluation Score of Meets Standards or better, but the employee may submit a written statement of rebuttal within three working days that will be attached to the performance evaluation form. An employee may file a grievance contesting an annual evaluation if the employee received an Overall Performance Evaluation Score of less than Meets Standards (See the *Policy on Grievances, Disciplinary Appeals, and Whistleblower Reprisal Protections.*).
- D. The completed evaluation form (and the employee's statement if any) is to be forwarded to the Judiciary Human Resources Department for inclusion in the employee's official personnel file. Forms that have an Overall Performance Evaluation Score of Meets Standards or better shall be forwarded to the Judiciary Human Resources Department no later than March 1 of the year immediately following the rating period.
- E. Forms having an Overall Performance Evaluation Score of Needs Improvement or Unacceptable must be received in the Judiciary Human

Resources Department no later than January 1 following the year for which the evaluation is given. Additionally, the Administrative Official or designee shall notify the Human Resources Department's Employment and Benefits Unit no later than December 1 for the year in which the evaluation is given, by e-mail or memorandum, of the names of those individuals under his or her supervision who received such an overall score. This will help ensure that the individuals receiving such scores will not mistakenly receive a performance step increase.

## **VII. ELIGIBILITY FOR A PERFORMANCE STEP INCREASE**

For an employee to be eligible to receive the next scheduled performance step increase (provided performance step increases are granted), the employee must receive an Overall Performance Evaluation Score of Meets Standards or better. Upon receipt of a lower score, the employee will be ineligible to receive the next scheduled performance step increase.

If the Human Resources Department has not been notified, per section VI, E of this policy, that a particular employee has received an overall score of less than Meets Standards and, therefore, should be denied a performance step increase, it will be presumed the employee received an overall score of Meets Standards or better and, therefore, is eligible to receive a performance step increase.

## **VIII. PERFORMANCE IMPROVEMENT PLAN**

- A. A performance improvement plan (PIP) shall be developed for any employee who receives an Overall Performance Evaluation Score of Needs Improvement or Unacceptable. Although it is not necessary that the PIP follow a specific format, it must address each area of the employee's performance that falls short of Meets Standards, providing specific information as to what needs to be improved, how the improvement can be accomplished, and what action will result if the employee fails to show satisfactory improvement.
- B. The PIP must be provided to the employee in conjunction with the employee's annual performance evaluation. A PIP also may be provided at any time when unacceptable performance needs to be addressed.
- C. For an employee who received an overall score of Needs Improvement, the PIP shall provide a 180 calendar-day improvement period during which the employee must bring his or her overall score up to a level of Meets Standards or better.

- D. For an employee who received an overall score of Unacceptable, the PIP shall provide a 90 calendar-day improvement period.
- E. The supervisor will meet with the employee at or near the mid-point of the improvement period to provide the employee with an evaluation of the employee's performance up to that point.
- F. The supervisor again will meet with the employee at the conclusion of the improvement period to provide the employee with an evaluation of the employee's performance for the entire improvement period. If at the conclusion of the improvement period the employee raised his or her overall score to Meets Standards or better, then the PIP has been successfully completed and no further action is necessary.
- G. If the employee did not raise his or her overall score to a level of Meets Standards or better by the conclusion of the improvement period, then the employee may be subject to reassignment, demotion, or termination of employment. It is not required, however, that the employee be reassigned or demoted prior to termination of employment.
- H. The employee may be subject to the termination of employment if at any time after the mid-point of the improvement period it becomes apparent to the Administrative Official that the employee's performance is so deficient that the employee will not be able to sufficiently raise the overall score by the conclusion of the improvement period.
- I. A PIP does not preclude an employee from being disciplined, including the termination of the employee's employment, for sufficient causes other than, or in addition to, failure to meet the requirements of a PIP, or poor performance or behavior in general. (See the *Policy on Progressive Discipline* and the *Policy on the Involuntary Termination of Employment and Rejection on Probation for Regular Employees and Employees on Initial Probation*.)
- J. If the Administrative Official believes termination of employment is warranted, then the Administrative Official may refer to the guidelines for termination of employment found in the above referenced policies and consult with the Judiciary Human Resources Department.

## **IX. INTERPRETIVE AUTHORITY**

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.